

BEFORE  
THE PUBLIC SERVICE COMMISSION OF  
SOUTH CAROLINA  
DOCKET NO. 2022-190-C - ORDER NO. 2022-406

JUNE 8, 2022

IN RE:	Application of Palmetto Telephone	)	ORDER APPOINTING
	Communications, LLC to Expand Authority	)	HEARING EXAMINER
	to Provide Local Exchange and Exchange	)	
	Access Service to Customers Located in	)	
	Certain Areas Currently Being Served by	)	
	TDS Telecommunications, LLC and	)	
	Request for Flexible Regulation of Local	)	
	Exchange Service Offerings with Attached	)	
	Proposed Notice of Filing and Hearing	)	

This matter comes before the Public Service Commission of South Carolina (“Commission”) to consider appointment of a hearing examiner in this Docket regarding the Application of Palmetto Telephone Communications, LLC to Expand its Authority to Provide Local Exchange and Exchange Access Service to Customers Located in Certain Areas Currently Being Served by TDS Telecommunications, LLC and Request for Flexible Regulation of Local Exchange Service Offerings.

S.C. Code Ann. Section 58-9-1020 (2015) allows the Commission to employ a special agent or examiner in a telecommunications hearing. This person may administer oaths, examine witnesses, and receive evidence in any locality which the Commission may designate. *Id.* The examiner may not be used in a telephone rate proceeding under the statute. *Id.* We note that the present proceeding is not a telephone rate proceeding.

Further, S.C. Code Ann. Regs. 103-841(A) (2012) states that, when evidence is to be taken in a formal proceeding before the Commission, any Commissioner or any hearing

examiner designated by the Commission may preside at the hearing. The presiding officer has the duty to conduct full, fair, and impartial hearings under Section B of the regulation. S.C. Code Ann. Regs. 103-841(B) (2012).

David W. Stark, Esquire, a licensed attorney since 2012, is a Staff Attorney to the Commission and has been employed in that position since 2012. Mr. Stark has served and been appointed as a hearing examiner in other dockets. We believe that Mr. Stark has the ability and knowledge to properly carry out the hearing examiner's role in this case, and we therefore appoint Mr. Stark as hearing examiner in this Docket pursuant to S.C. Code Ann. Section 58-9-1020.

In accordance with the preceding paragraphs, we make the following findings:

**FINDINGS OF FACT AND CONCLUSIONS OF LAW**

1. S.C. Code Ann. Section 58-9-1020 (2015) allows the Commission to employ a special agent or examiner in non-rate telecommunications hearings.
2. The present proceeding is not a telephone rate proceeding.
3. S.C. Code Ann. Regs. 103-841 (2012) allows a hearing examiner designated by the Commission to preside at a hearing. This regulation sets out the duties and procedures to be employed by that examiner. These duties and procedures should be employed in the present case.
4. Mr. Stark has the ability and knowledge to act as a hearing examiner in the present case.
5. Mr. Stark should be appointed as the hearing examiner in this case.

IT IS THEREFORE ORDERED:

The Commission hereby appoints David W. Stark, Esquire, as the hearing examiner in the present case. Mr. Stark shall follow all applicable statutes and regulations that may pertain to his appointment.

This Order shall remain in full force and effect until further order of the Commission.

BY ORDER OF THE COMMISSION:



A handwritten signature in blue ink, which appears to read "Florence P. Belser", is written over a horizontal line.

Florence P. Belser, Vice Chair  
Public Service Commission of  
South Carolina